

In 2003 and 2004, USCIRF conducted a major research study, as authorized by the International Religious Freedom Act of 1998 (IRFA), to examine whether asylum seekers subject to Expedited Removal are being detained under inappropriate conditions and whether they are being returned to countries where they might face persecution. Specifically, IRFA authorized USCIRF to appoint experts to examine whether immigration officers, in exercising Expedited Removal authority over aliens who may be eligible for asylum, were:

1. improperly encouraging withdrawals of applications for admission;
2. incorrectly failing to refer such aliens for credible fear determinations;
3. incorrectly removing such aliens to countries where they may face persecution; or
4. improperly detaining such aliens, or detaining them under inappropriate conditions.

USCIRF released its findings in the 2005 *Report on Asylum Seekers in Expedited Removal* (hereafter referred to as the Study).

The Study identified serious flaws that place asylum seekers at risk of being returned to countries where they may face persecution and being mistreated while in detention. To address these concerns, USCIRF issued recommendations, none of which require congressional action, to agencies in the Departments of Homeland Security (DHS) and Justice (DOJ). The recommendations were geared to help protect U.S. borders and ensure fair and humane treatment for *bona fide* asylum seekers, two goals of the 1996 immigration reform law that established the Expedited Removal procedure. In 2007, two years after the release of the Study, USCIRF released a “report card” grading the federal agencies on their implementation of the Study’s recommendations.

Prior to 2009, DHS had failed to adequately address several areas of concern the Study had identified, including the low profile and absence of inter-bureau coordination of asylum issues; the use of jail-like facilities to house asylum seekers; the absence of parole policies to ensure that asylum seekers who pose no risk of flight or danger are not subject to unnecessary detention; and insufficient oversight of the Expedited Removal process. In 2009, DHS announced efforts to reform its immigration detention policies which, if fully implemented, would address several of these areas of concern. . In addition, two bills were introduced in the Senate in 2009 that, if enacted, would significantly reform the system by which asylum seekers are detained and implement several of USCIRF's recommendations related to the treatment of asylum seekers in detention. USCIRF welcomes the efforts of DHS and Congress.